

Admin.

January 25, 2022

## Memorandum 2022-9

**Minutes of Meeting on January 20, 2022 (Draft)**

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The California Law Revision Commission held a meeting on January 20, 2022, by teleconference.<sup>1</sup> A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.<sup>2</sup> As a means of observing that rule, the Commission is only listing attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

Respectfully submitted,

Brian Hebert  
Executive Director

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov't Code § 11124.



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**DRAFT MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
January 20, 2022

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A meeting of the California Law Revision Commission was held on January 20, 2022. Consistent with Government Code Section 11133, the meeting was held as an online video webinar.

Only those members of the public who expressly consented to being identified in the Minutes are listed as attendees.

**Commission:**

*Present:* Richard Simpson, Chairperson  
David A. Carrillo, Vice-Chairperson  
Ana Cubas  
Victor King  
Jane McAllister

*Absent:* Assembly Member Ash Kalra  
Senator Richard D. Roth  
Cara Jenkins, Legislative Counsel

**Staff:** Brian Hebert, Executive Director  
Barbara Gaal, Chief Deputy Director  
Kristin Burford, Staff Counsel  
Steve Cohen, Staff Counsel

**Other Persons:**

*None*

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APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

MINUTES

The Commission considered Memorandum 2022-1, presenting draft Minutes of the December 16, 2021, meeting. The Commission approved the Minutes without change.

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director reported on the following matters:

- The Commission still has two vacancies in positions that are appointed by the Governor.
- Chief Deputy Director Barbara Gaal intends to retire after the February 2022 meeting.
- The Legislative Counsel shared an internal opinion concluding that legislative members of the Commission may participate and vote on matters relating to the Commission’s recommendations to the Legislature, but may not vote on matters that involve the sovereignty of the state (e.g., Commission hiring and contracting). The Executive Director indicated that he will propose a revision of the Commission’s *Handbook of Practices and Procedures* to memorialize that guidance.

1 **Open Government Laws**

2 The Commission considered Memorandum 2022-2 and its First Supplement,  
3 summarizing “open government” laws applicable to the Commission. No  
4 Commission action was required or taken.

5 **New Topics and Priorities**

6 The Commission considered Memorandum 2022-3 and its First Supplement,  
7 which present the material for the Commission’s annual consideration of its  
8 current workload, possible new topics for study, and its work priorities for the  
9 coming year.

10 The Commission approved the following work priorities for 2022, as  
11 recommended by the staff:

- 12 • Manage the 2022 legislative program.
- 13 • Continue the study of state and local agency access to customer  
14 information from communications service providers.
- 15 • Continue the study on fish and game law.
- 16 • Continue the study on trial court restructuring to bring the active  
17 matters to completion.
- 18 • Continue the study on transfer-on-death options for stock  
19 cooperative ownership.
- 20 • Activate the study of emergency-related law.
- 21 • Activate the study of rules on specific gifts and their application to  
22 NPTs.
- 23 • Study one or more technical or minor substantive issues on a low-  
24 priority basis, if time permits (perhaps as a student project).

25 **2022 LEGISLATIVE PROGRAM**

26 The Commission considered Memorandum 2022-4, discussing the  
27 Commission’s 2022 legislative program. No Commission action was required or  
28 taken.

29 The Commission also considered the First Supplement to Memorandum  
30 2022-4, presenting follow-up legislation for the recodification of the California  
31 Public Records Act (“CPRA”). The following correction should be made to the  
32 Comment for Business and Professions Code Section 655 at page 11, lines 1-5, of  
33 the attached draft:

1           **Comment.** Section 655 is amended to reflect nonsubstantive  
2 recodification of the California Public Records Act. See *California*  
3 *Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n Reports  
4 207 (2019).

5           The section is also amended to make technical changes.

6           ~~[This Comment is from *California Public Records Act Clean-Up*, 46~~  
7 ~~Cal. L. Revision Comm’n Reports 207 (2019).]~~

8           [This Comment is from *Report of the California Law Revision*  
9 *Commission on Chapter 615 of the Statutes of 2021 (Assembly Bill 474)*,  
10 48 Cal. L. Revision Comm’n Reports (2021).]

11           With that correction, the Commission approved the draft legislation and  
12 Comments.

13                           STUDY J-1407 — STATUTES MADE OBSOLETE BY TRIAL COURT  
14   RESTRUCTURING (PART 8)

15           The Commission considered Memorandum 2022-5, which presents a draft  
16 recommendation on *Statutes Made Obsolete by Trial Court Restructuring: Part 8*.  
17 The Commission approved that draft as a final recommendation, for publication  
18 and submission to the Governor and the Legislature.

19                           STUDY L-3032.5 — STOCK COOPERATIVES  
20   AND REVOCABLE TRANSFER ON DEATH DEEDS

21           The Commission considered Memorandum 2022-6, discussing the  
22 enforcement of an off-record restriction on property that has been transferred by  
23 revocable transfer on death deed. The Commission directed the staff to prepare a  
24 revised draft recommendation that includes an exception to the recordation  
25 requirements of Probate Code Section 5652(b) for restrictions that are based on  
26 the stock cooperative’s governing documents or an agreement with a stock  
27 cooperative. The revised draft will be presented at a future meeting for  
28 Commission consideration.

29                           STUDY R-100 — FISH AND GAME LAW

30           The Commission considered Memorandum 2022-7, presenting public  
31 comment relating to revision of the Fish and Game Code. The Commission  
32 approved all staff recommendations made in the memorandum.

- 1 The Commission also considered Memorandum 2022-8. No Commission
  - 2 action was required or taken regarding that memorandum.
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